THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :4825 of 2007

DATED:22-10-2007

BETWEEN:

P.Subba Rao (DIED) & 12 others.

..... PETITIONERS

AND

The District Collector,
Visakhapatnam & 4 others.

.....RESPONDENTS

_
_
_
_
_
_

ORDER:

Heard learned counsel appearing for the petitioners; learned Government Pleader for Land Acquisition; and the learned counsel appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondent authorities as illegal, arbitrary, amounting to discrimination in not permitting the petitioners to construct their own houses in their respective plots purchased by them under registered sale deeds viz., plot Nos.29, 8,12, 22,16, 13, 17, 5, 5, 7, 14, 4 and 15 in Sy.No.28 and the sub-divisions 28/8, 28/12, 28/15, 28/18 and 28/25 of Krishnarayapuram village, Pendurthi mandal, Visakhapatnam District.

3. Learned counsel appearing for the A.P.Housing Board, Hyderabad, submits that in fact all the aforesaid lands have been acquired under the provisions of the Land Acquisition Act, awards have been passed, compensation has been paid, and Writ Petition Nos.5432 of 1989 and 5436 of 1989 have been filed earlier in respect of the very same lands and the same have been dismissed by this Court and therefore petitioners have no right, title or interest in the said property and they cannot be permitted to construct any houses.

4. As the averments made in the counter-affidavit have not been controverted, I am of the opinion that the petitioners are not entitled for any relief in this Writ Petition.

5. Accordingly, Writ Petition is dismissed. No order as to costs.

_____

V.ESWARAIAH,J

22nd October, 2007.
Tsy